

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLERGAN, INC., and)	
DUKE UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	1:10CV681
)	
APOTEX, INC., and)	
APOTEX CORP.,)	
)	
Defendants.)	

ALLERGAN, INC., and)	
DUKE UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	1:11CV298
)	
SANDOZ, INC.,)	
)	
Defendant.)	

ALLERGAN, INC., and)	
DUKE UNIVERSITY,)	
)	
Plaintiffs,)	
)	
v.)	1:11CV650
)	
HI-TECH PHARMACAL CO., INC.,)	
)	
Defendant.)	

**CONSENT ORDER CONSOLIDATING CASE NUMBERS
1:10CV681, 1:11CV298 AND 1:11CV650**

The Court has considered Hi-Tech Pharmacal Co., Inc.'s Motion to Consolidate Case Nos. 1:10CV681, 1:11CV298 (Apotex/Sandoz case) and 1:11CV650 (Hi-Tech case) pursuant to Fed. R. Civ. P. 42(a).

(Docket Entry 28 in 1:11CV650.) All parties consent to the consolidation of the Hi-Tech case with the previously-consolidated Apotex/Sandoz case for all purposes including trial. For the reasons detailed in briefing (Docket Entries 29, 35, and 38 in 1:11CV650; see also Docket Entry 37; Docket Entry 55, 1:10CV681), and with the consent of all parties, the Court finds that the Apotex/Sandoz and Hi-Tech cases involve common questions of law and fact relating to the claims of infringement and validity of the '404 patent, the '029 patent, the '649 patent; that the consolidation will promote judicial economy and efficiency and will not prejudice any party. The Court in its discretion therefore concludes that Hi-Tech's Motion should be granted.

IT IS THEREFORE ORDERED that:

1. Hi-Tech's Motion to Consolidate Case Nos. 1:10CV681, 1:11CV298 and 1:11CV650 is **GRANTED**, and the Apotex/Sandoz and Hi-Tech cases are hereby consolidated for all purposes through trial;
2. Allergan, Inc. and Duke University v. Apotex, Inc. and Apotex Corp., Case No. 1:10CV681, is hereby designated as the Lead Case and all parties are hereby ordered to file all subsequent filings in Case No. 1:10CV681 only; and
3. The Stipulated Protective Order Governing Confidentiality (Docket Entry 51 in 1:10CV681) previously entered on December 15,

2011, remains in effect and is applicable to all parties in this consolidated action with the addition of the following designated in-house attorneys/lawyers in paragraph 5(a)(xi) for Hi-Tech: Steven Roth.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge

Date: April 4, 2012

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